

Exhibit 1



Southern
Environmental
Law Center

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July 20, 2017

FREEDOM OF INFORMATION ACT RECORDS REQUEST

Via email to:

FOIA Officer
USDA Forest Service, FOIA Service Center
1400 Independence Ave., SW
Mail Stop: 1143
Washington, DC 20250-1143
wo_foia@fs.fed.us

Re: Freedom of Information Act request for communications concerning the Atlantic Coast Pipeline

Dear FOIA Officer:

This is a request for records in the custody of the United States Forest Service (“Forest Service”) submitted by the Southern Environmental Law Center (“SELC”). SELC is a non-profit, public-interest organization which advocates for and represents other organizations that also advocate for, among other things, adequate implementation of and compliance with the National Environmental Policy Act and other federal environmental statutes by federal agencies.

A. Request for Records

As authorized by the Freedom of Information Act (“FOIA”), 5 U.S.C. § 552, as amended, SELC requests the following records in the possession or control of the Forest Service:

- All records of communications consisting of direction and/or instructions from the Forest Service’s Washington Office, the Forest Service’s Regional Offices, offices within the Department of Agriculture, or from the White House or any office within the Executive Office of the President, regarding the grant or denial of forest plan amendments and/or special use permits for the Atlantic Coast Pipeline.
- All records of communications from developers of the Atlantic Coast Pipeline to the Forest Service, the Department of Agriculture, or the White House or any office within the Executive Office of the President concerning the timing of a

Forest Service decision for forest plan amendments and/or special use permits for the Atlantic Coast Pipeline.

This request is limited to records created, communicated, or received between the dates of **October 1, 2016**, and **the present**.

As used above, the term “records” includes, without limitation, all communications, correspondence, records of phone conversations, transcripts of testimony, minutes or notes of meetings, electronic mail, PowerPoint or other similar presentations, memoranda, reports, maps, photographs, drawings, data, tables, spreadsheets, formulas, notes, observations, impressions, contracts, and policies or directives, whether in an electronic or print medium, original or copy, or draft or final form.

If records (or any portions thereof) are determined to be exempt for any reason, please provide any segregable material and indicate how much material has been withheld and on what grounds. 5 U.S.C. § 552(b); 7 C.F.R. § 1.7. To the extent that the requested records are maintained in a common electronic format, we request that they be provided in that format.

B. Fee Waiver Request

We also request a fee waiver in connection with this request for records. Fee waivers are to be granted whenever disclosure would serve the public interest (as opposed to a commercial interest) and would contribute significantly to public understanding of government operations or activities.¹ Here, the request would serve no commercial interest. SELC, a non-profit public interest organization, lacks any commercial interest in the records, and none of its clients have any such interest. SELC is dedicated to using the power of the law to protect clean air, clean water, and special places throughout the six Southeastern states in which we work: Alabama, Tennessee, Georgia, South Carolina, North Carolina, and Virginia. SELC does not charge its clients for legal advice or representation; instead, SELC provides such advice and representation free of charge within the scope of its mission.

We seek these records in order to inform the public about how the Forest Service’s decisions with regard to the Atlantic Coast Pipeline have taken shape. Disclosure of records responsive to this request will aid the public’s understanding of how the Forest Service arrived at its prospective decision to grant or deny special use permits/forest plan amendments for the Atlantic Coast Pipeline. SELC has extensive experience in reviewing, understanding, synthesizing, and communicating information relating to the

¹ 5 U.S.C. § 552(a)(4)(A)(iii).

National Environmental Policy Act, National Forest Management Act, and other relevant statutes and regulations in our Southeastern states, furthering public understanding and dialogue.²

Further, this enhanced understanding will accrue to a significant segment of the public. In addition to making information available on our website to anyone searching for it,³ SELC also actively distributes information to the public through newsletters and other publications.⁴ SELC also disseminates information about issues related to NEPA and national forest management by participating in meetings and conferences. Further, SELC coordinates with a diverse collection of partner organizations actively working to participate in the environmental review of projects undertaken by federal agencies including the U.S. Forest Service. Each of these partners has its own base of supporters to which it will disseminate the information disclosed pursuant to this request. Supporters of SELC and its partners are directly affected by decisions made by federal agencies through the NEPA and NFMA processes. As a result, information about any responsive records will be shared with a substantial portion of the public, and, specifically, a portion of the public affected by and involved with participation in NEPA and NFMA processes.

In reviewing this information and distilling it for the public, SELC's legal expertise will enable it to explain to the public any permitting decisions relating to construction of the Atlantic Coast Pipeline on National Forest lands. Since Dominion Energy announced the Atlantic Coast Pipeline project three years ago, the project has generated widespread public interest, including public interest in impacts to public lands. It is routinely the subject of press stories in Virginia, and thousands of commenters have participated in opportunities for public input with the Forest Service, the Federal Energy Regulatory Commission, and state agencies.

If this request for a fee waiver is denied, please notify us promptly and provide an estimate of the fees associated with the request. If you require any further information or

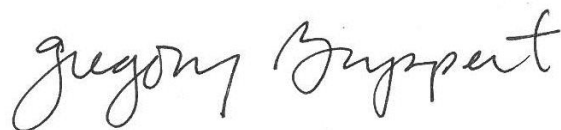
² See <http://www.southernenvironment.org/news-and-press/in-the-news> for current examples of media coverage informed by information disseminated by SELC.

³ For examples relevant to federal agencies and the Atlantic Coast Pipeline, please visit SELC's website at <https://www.southernenvironment.org/cases-and-projects/proposed-natural-gas-pipeline-threatens-scenic-western-virginia>; <https://www.southernenvironment.org/news-and-press/press-releases/selc-requests-ferc-hearing-as-dominion-duke-energy-look-to-build-acp-on-the>; <https://www.southernenvironment.org/news-and-press/press-releases/groups-applaud-u.s.-forest-service-decision-to-reject-atlantic-coast-pipeli>.

⁴ To see some recent examples, please visit <http://www.southernenvironment.org/news-and-press/publications>.

documentation, please do not hesitate to contact us. Thank you for your prompt attention to this request.

Sincerely,

A handwritten signature in black ink that reads "Gregory Buppert". The signature is written in a cursive, flowing style.

Gregory Buppert, Senior Attorney
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